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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/327,766	06/07/1999	NANCY ELLMAN	SYMA1039MCF/	5881

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EXAMINER	
PARDO, THUY N	
ART UNIT	**PAPER NUMBER**
2165	

DATE MAILED: 07/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/327,766	ELLMAN ET AL.	
	Examiner	Art Unit	
	Thuy N. Pardo	2165	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *25 April 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *32,33,35-40 and 45-56* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *32, 33, 35-40 and 45-56* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed on April 25, 2006 in response to Examiner's Office Action has been reviewed.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 32, 33, 35-40 and 45-56 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over **Clark et al.** (Hereinafter "Clark") US Patent No. 6,317,797, in view of **Boothby** US Patent No. 5,684,990, and in further view of **Kaufman** US Patent No. 6,034,621.

As to claim 32, Clark teaches a method for synchronizing a file type between a first computer and a second computer [see the title and the abstract], comprising the steps of:

receiving a selection on said first computer at least one file type to monitor [col. 3, lines 21-36; col. 10, lines 35-45; ab];

monitoring said first computer for modifications to files of said selected file type [col. 15, lines 35-50];

recording a file responsive to a modification to a file of said selected file type [col. 16, lines 4-6];

determining, subsequent to said step of identifying, whether said modified file on said first computer is more recent than said identified file on said second computer [604 of fig. 11; col. 16, lines 8-12]; and,

automatically transferring said identified file on said second computer and automatically replacing said modified file on said second computer with modified file on said first computer [see the abstract], only if it is determined that s said modified file on said first computer is more recent than said identified file on said second computer [606 of fig. 11; col. 16, lines 8-12].

However, Clark does not explicitly teach file identification representative of said recorded file identification. Boothby teaches file identification representative of said recorded file identification [ab; 5, 9 of fig. 1; N-ID of fig. 2; unique ID, col. 3, lines 60-64.

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified the communication service system of Clark wherein the modified file provided thereof would have incorporated the teachings of Boothby especially the technique for identifying a corresponding file identification representative of said recorded file identification. Boothby teaches file identification; the motivation being to expand and enhance the versatility of Clark's system by allowing modified files are identified through the use of key fields [see Boothby, col. 4, lines 61 to col. 5, lines 5].

Neither Clark nor Boothby teaches synchronizing between two PCs at different locations. Kaufman teaches wireless remote synchronization of data between PC and PDA [ab; fig. 3; col. 5, lines 41 to col. 6, lines 62].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to add the feature of Kaufman to the Clark-Boothby's system as an essential means to provide a more efficient utilization of automated synchronization between a PC and a remote PDA other than with the use of a fixed, dedicated link between a PC and a PDA at the same location.

As to claim 33, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teach replacing said modified file on said first computer with said identified file on said second computer, if it is determined that said modified file on said first computer is not more recent than said identified file on said second computer [606 of fig. 11].

As to claim 34, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches accessing a first date and time associated with said modified file and accessing a second date and time associated with said identified file on said second computer [inherent in the system in order to determine if the files have different date and time, col. 15, lines 35-50]; and determining if said first date and time is more recent than said second date and time [col. 15, lines 65 to col. 16, lines 15].

As to claim 35, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches that said step of replacing said identified file on said second computer with said modified file on said first computer, replaces said identified file on said second computer with a copy of said modified file [update to newer files, 606 of fig. 11].

As to claim 36, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches:

connecting said second computer with said first computer [connection between the computer C and the handheld computer H, see fig. 1C];

identifying with said second computer said item of information stored on said first computer [obtaining same file names in the host computer and the handheld computer, see 552 of fig. 10; col. 10, lines 15-18];

determining whether said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer [col. 3, lines 22-34; comparison to determine that the files obtained from the host computer is not previously stored in the handheld computer, col. 14, lines 41-60]; and

retrieving said item of information from said first computer [captures updated data in the host computer, col. 3, lines 14-17], only if it is determined that said item of information stored on said first computer is more recent than said corresponding item of information stored on said second computer [newly entered into the handheld computer is preferably automatically updated to the host computer as it is assumed that the user is the master of the information, col. 3, lines 31-34; comparison to determine that the files obtained from the host computer is not previously stored in the handheld computer, col. 14, lines 41-60].

As to claim 39, all limitations of this claim have been addressed in the analysis of claim 36 above, and this claim is rejected on that basis.

As to claim 45, Clark, Boothby and Kaufman teach the invention substantially as claimed, with the exception of a work monitor interface, a file synchronization interface. However, since Clark teaches the method steps of identifying an occurrence of an event or activity by determining any differences between two files and if the entire file is new, col. 16, lines 4-27, ab] and providing the ability to select at least one item of information contained on said first computing device, for synchronization with a second computing device [col. 3, lines 12-36; col. 16, lines 4-27; ab], the means corresponding to these method steps are inherent in the system in order to perform such method functions.

As to claim 46, Clark, Boothby and Kaufman teach the invention substantially as claimed, with the exception of a work monitor log. However, since Clark teaches a method step of identifying an occurrence of an event or activity by determining any differences between two files and if the entire file is new, col. 16, lines 4-27, ab], means corresponding to this method step is inherent in the system in order to perform such method function.

As to claim 37, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches retrieving said item of information retrieves a copy of said item of information [capture of updated data, ab].

As to claim 38, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches storing said item of information on said second computer

responsive to said step of retrieving said item of information [update to newer files, 606 of fig. 11].

As to claim 40, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches verifying that said item of information provided to said first computer has been received by said first computer [a return without an error flag, col. 14, lines 39-52]; and, disconnecting said second computer from said first computer [terminate access, 492 of fig. 9B; col. 14, lines 47-52].

As to claims 46-48, all limitations of these claims have been rejected in the analysis above, and these claims are rejected on that basis.

As to claim 49, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches a work monitor interface enable/disable module [inherent in the system], wherein in response to selection of said enable/disable module said synchronization system either begins or stops monitoring occurrences of events or activities on said first computing device [on/off switch, col. 12, lines 56-65].

As to claim 50, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches that said file synchronization interface maintains a list identifying information, which is to be synchronized with said second computer [col. 12, lines 49-56].

As to claim 51, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches that said file synchronization interface includes an information addition module [inherent in the system in order to update information to the synchronization list, col. 12, lines 48-56].

As to claim 52, Clark, Boothby and Kaufman teach the invention substantially as claimed. Boothby further teaches that said file synchronization interface includes an information change module [inherent in the system] for changing an identification of information to said list [col. 6, lines 40-49].

As to claim 53, Clark, Boothby and Kaufman teach the invention substantially as claimed. Boothby further teaches that said file synchronization interface includes an information delete module [inherent in the system] for removing an identification of information from said list [col. 7, lines 63-64; col. 8, lines 13-18, 21-24; 425 of fig. 6].

As to claim 54, Clark, Boothby and Kaufman teach the invention substantially as claimed, with the exception that said file synchronization system includes a begin synchronization module. However, since Boothby teaches that synchronization begins with the program retrieving records from handheld database and comparing them to the records in the status file [col. 5, lines 63-65; 205 of fig. 3], the means corresponding to these method steps are inherent in the system in order to perform these functions.

As to claim 55, Clark, Boothby and Kaufman teach the invention substantially as claimed. Boothby further teaches displaying a result of selection of said begin synchronization module [displaying the relevant mismatching information and asking the user to choose, col. 2, lines 47-51], identifying the progress of synchronization information between said first computing device and said second computing device [see table 1, col. 7, lines 55 to col. 8, lines 35].

As to claim 56, Clark, Boothby and Kaufman teach the invention substantially as claimed. Clark further teaches that a file transfer interface [inherent in the system], providing the ability to select at least one item of information for transferring between said first computing device and said second computing device [col. 7, lines 29-45].

Response to Arguments

3. Applicant argues that Applicant's invention of synchronization between two PCs requires totally distinctive technologies and methods compared to synchronization between a PDA and a PC of Kaufman.

As to this point, Examiner respectfully disagrees. Examiner believes that the feature of synchronization between two PCs was also taught by Kaufman. Kaufman teaches synchronizing the data file between a personal computer (PC) and a personal digital assistant (PDA) [col. 2, lines 59-67] in which the PDA in Kaufman is a small handheld computer [see col. 1, lines 18-21].

4. Applicant's arguments filed April 25, 2006 have been fully considered but they are not persuasive.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

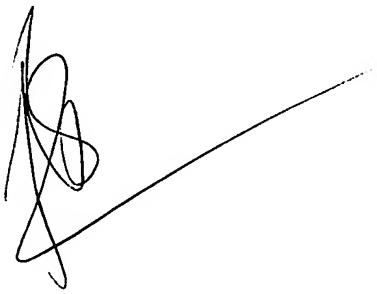
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy N. Pardo whose telephone number is 571-272-4082. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

July 19, 2006



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PRIMARY EXAMINER